

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS (BOSTON)

iROBOT CORPORATION,

Plaintiff,

v.

C.A. No. 1:17-cv-10652-LTS

SHENZHEN ZHIYI TECHNOLOGY CO.,  
LTD., d/b/a iLIFE,

Defendant.

**MEMORANDUM SUPPORTING MOTION TO STAY BY DEFENDANT SHENZHEN  
ZHIYI TECHNOLOGY CO., LTD.**

Plaintiff iRobot Corporation (“iRobot”) filed its Complaint in the present litigation on April 17, 2017. On the same day, iRobot filed a complaint with the United States International Trade Commission (“USITC”) alleging a violation of 19 U.S.C. § 1337 against Defendant Shenzhen Zhiyi Technology Co., Ltd.<sup>1</sup> (“Defendant”). On May 17, 2017, the USITC instituted an investigation, captioned *Certain Robotic Vacuum Cleaning Devices and Components Thereof Such as Spare Parts*, Inv. No. 337-TA-1057 (“the Investigation”). The Investigation involves the same patents-in-suit and the same accused products that are involved in this litigation.

This litigation must be stayed until the Investigation results in a final determination because this case and the Investigation involve the same parties and issues, and this request is made within 30 days of the USITC’s institution of the Investigation. Pursuant to 28 U.S.C. § 1659(a):

[i]n a civil action involving parties that are also parties to a proceeding before the United States International Trade Commission under section 337 of the Tariff Act of 1930, at the

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<sup>1</sup> The correct name of the named and served defendant is “Shenzhen ZhiYi Technology Co., Ltd.” as opposed to the name listed in the Complaint: “Shenzhen ZhiYi Technology Co., Ltd. d/b/a iLife.”

request of a party to the civil action that is also a respondent in the proceeding before the Commission, the district court shall stay, until the determination of the Commission becomes final, proceedings in the civil action with respect to any claim that involves the same issues involved in the proceeding before the Commission, but only if such request is made within-- (1) 30 days after the party is named as a respondent in the proceeding before the Commission, or (2) 30 days after the district court action is filed, whichever is later.

28 U.S.C. § 1659(a).

Therefore, Defendant respectfully requests this Court to stay this action until the determination of the USITC becomes final in the Investigation. Defendant hereby moves to stay this litigation within 30 days of being named a Respondent in the Investigation, and therefore, the automatic stay provided in § 1659(a) applies to this case. iRobot assents to Defendant's Motion and indicated that it does not plan to file a response to Defendant's Motion. Defendant respectfully submits that an oral hearing is not necessary, unless the Court believes a hearing would be helpful. Defendant requests that the Court enter the Proposed Order submitted herewith.

Defendant expressly reserves all rights to file motions under Rule 12, and the parties are in agreement that the filing of this motion to stay shall not be argued as a basis for waiver of any Rule 12 motion filed after the stay is lifted following the USITC proceedings.

Dated: June 22, 2017

Respectfully submitted,

/s/ Jacqueline E. Tambone

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*Counsel for Shenzhen Zhiyi Technology Co., Ltd.*

**CERTIFICATE OF SERVICE**

I hereby certify pursuant to Federal Rules of Civil Procedure and L.R. 5.2 and 5.4 that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants.

/s/ Jacqueline E. Tambone